



Michael O. Leavitt  
Governor  
Kathleen Clarke  
Executive Director  
Lowell P. Braxton  
Division Director

# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

July 27, 2001

TO: [REDACTED]

THRU: Wayne H. Western, Team Lead *WHW*

FROM: Susan M. White, Senior Reclamation Biologist *SMW*

RE: Midterm Review, Lodestar Energy, Inc., Horizon Mine, [REDACTED] MT99-4

## SUMMARY:

A response to the midterm review was received January 12, 2001. The response contained proposed changes to the MRP. Information found in the response is not adequate to meet the requirements of the midterm review.

## TECHNICAL ANALYSIS:

## ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR Sec. 783., et. al.

## FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21; R645-301-322.

### **Analysis:**

The permit states (page 10-4) a spring (late May/early June) and fall (September/October) macroinvertebrate surveys will be done in the North Fork of Gordon Creek, by a qualified person, on standardized dates beginning in spring 2001. The surveys will be done every year for three years and then every other year after that. On each sampling date, samples will be taken from a site 0.5 to 1.0 mile above the confluence of Jewkes Creek and the North Fork of Gordon Creek, and a similar distance below the confluence of those streams. The Division will be notified prior to survey.

---

TECHNICAL MEMO

---

**Findings:**

The proposed changes to the MRP meet the requirements of this section.

## **OPERATION PLAN**

### **FISH AND WILDLIFE INFORMATION**

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

**Analysis:**

**Protection and Enhancement Plan**

The Plan (page 10-38) states that Horizon will monitor road kills and report numbers quarterly to the DWR; and remove killed deer and elk from the road between the Wildcat Coal Loadout and the mine site. Appendix 10-1 reports road kills for 1997 through 2000. As stated in my previous review a commitment should be made in the MRP to report numbers of road kills and kills removed from the road in the **Annual Reports**.

As part of a mitigation program the Operator is to recreate a riparian vegetative community along Jewkes Creek channel below the sediment pond to the road. The channel was reconstructed during road construction activities. During the site inspection, completed revegetation work was observed however, the success of that work could not be evaluated due to the early season.

**Findings:**

Information found in the plan and on site relevant to this midterm review have been resolved to be consistent with the requirements of this section.

## RECLAMATION PLAN

### REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

#### Analysis:

##### General Requirements

No reclamation or permanent revegetation has been conducted on site. Plate 3-7, Reclamation Topography, show areas of interim and contemporaneous reclamation. The legend labels the interim reclamation as areas which may be re-disturbed during final reclamation. This legend label leads one to believe that the areas shown as interim reclamation could not be re-disturbed during final reclamation. It is this reviewers understanding that no final reclamation was approved or occurred on site. All areas shown as interim and contemporaneous reclamation are potential topsoil storage areas or waste burial areas and may be redisturbed. The plate is not correct and must be changed or provide detailed information for the reclamation of these areas showing that all the requirements and performance standards of the regulations have been met.

The plan on page 3-51 refers to cicer milkvetch in the seed mixture. This species is no longer in the mix and reference to it should be removed.

#### Findings:

Information found in the proposed changes to the plan relevant to this midterm review do not meet the minimum regulatory requirements of this section. The permittee must provide the following in accordance with:

**R645-301-353.100**, Plate 3-7 is not correct and must be changed. No final reclamation has occurred on site. Either the map must be changed or the Operator may provide detailed information on the reclamation of these areas showing all the requirements and performance standards of the regulations have been met for final reclamation.

#### RECOMMENDATIONS:

Prior to approval, the requirements of R645-301-353.100 must be met.